IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No: 18995 of 2002

Between:

P. Narasimha, S/o P. Buchaiah,
Driver in A.P.S.R.T.C., Kushaiguda Depot, Ranga Reddy District, Hyderabad, R/o. H,.No. 37-67/1,
JJ Nagar, Neredmet X Road, Sainikpuri, Ranga Reddy District.

..... PETITIONER

AND

1 The Regional Manager (HCR), A.P.S.R.T.C.,
Jubilee Bus Stand, Secunderabad.
2 The Depot Manager,
A.P. State Road Transport, Corporation Kushaiguda Depot,
Ranga Reddy District, Hyderabad.
3 The Managing Director,
A.P.State Road Transport Corporation, RTC X Roads, Hyderabad.
4 P.L. Narayana, S/o Not known,
A.P.S.R.T.C., Ranigunj II Depot, Secunderabad.
5 V.D.Reddy,
A.P.S.R.T.C., Kukatpally Depot, Kukatpally, Ranga Reddy District.
6 Y.N.Reddy,
A.P.S.R.T.C., Barkathpura Depot, Hyderabad.
(Respondents 4 to 6 are impleaded as per court order in WPMP 24683 of 02 dt. 23/12/02).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not promoting the petitioner to the position of ADC while promoting his juniors P.L Narayana, V.D. Reddy and Y. N. Reddy, to the positions of ADC, as arbitrary, illegal and violative of principles of natural justice, and consequently set aside the Order No.D1/255(1)/02. HCR. dated 11-9-2002 passed by the Reddy and Y.N.Reddy to the petitions of ADC.

Counsel for the Petitioner: MR.G.ABDUL KHADER
Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD
Counsel for the Respondent Nos.4 to 6:

The Court made the following:

ORDER:

Challenging the action of the respondents 1 to 3 in not promoting the petitioner to the post of Assistant Depot Clerk (for short "ADC"), while promoting his juniors as arbitrary and illegal, and for a consequential direction to respondents 1 to 3 to set aside the proceedings dated 11.09.2002 promoting respondents 4 to 6 as ADCs, the present writ petition is filed.

Heard learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 3.

The learned counsel for the petitioner contended that the petitioner joined in the respondent-Corporation on 08.10.1971 as a cleaner and later promoted as a Driver (Grade-II) on 04.08.1980. Subsequently, he was also promoted as Driver (Grade-I) on 01.07.1996. The next promotion from Driver (Grade-I) is ADC and the minimum educational qualification for the post of ADC is a pass in IX class. While so, the respondent-Corporation has prepared a panel for promotion as ADC, including the petitioner's name. It is the case of the petitioner that he appeared H.S.C., in the year 1965 and though his name is included in the panel and though he is fully qualified, the petitioner was not promoted. On the other hand, his juniors have been promoted as ADCs. The petitioner has submitted a representation, dated 11.09.2002 to the respondent-Corporation to consider his case by producing necessary certificates. But, the respondents failed to consider the case of the petitioner. Hence this writ petition.

On the other hand, learned counsel for respondents 1 to 3 contended that at the time of selection of empanelled candidates, the petitioner has not produced any proof to show that he passed IX class, and therefore, the selection committee held that he was disqualified for promotion. By the time the petitioner submitted documentary evidence to support his plea, selections were completed and all the empanelled

candidates have been promoted. Hence the respondent-Corporation prays to dismiss the writ petition.

It is not in dispute before this Court that the minimum educational qualification required for the post of ADC is a pass in VIII or IX class. A specific plea has been taken by the respondent-Corporation that by the time of selection, the petitioner has not produced any document to show that he passed VIII or IX class. As the petitioner failed to produce the documents, the selections were completed and all the empanelled candidates were given promotion. However, the selection committee observed that the petitioner appeared for H.S.C., in March, 1965, but he produced the documents on 27.09.2002 to show that he passed VIII and IX classes, subsequent to the selections. Therefore, he was disqualified for promotion. The said fact is also not disputed by the respondents in their counter-affidavit. Therefore, the petitioner is entitled for promotion as ADC in the future vacancies. The seniority of the petitioner has to be reckoned from the date on which his juniors were promoted. This aspect has to be taken into consideration by the selection committee in considering the case of the petitioner for promotion in the future vacancies.

Therefore, the writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion as ADC duly maintaining his seniority on par with his juniors in the future vacancies. Since the petitioner is not insisting for setting aside the order No.D1/225(1)/02 dated 11.09.2002 giving promotion to the respondents 4 to 6, no finding is recorded with regard to the promotion of respondents 4 to 6. Since no adverse order is passed against respondents 4 to 6, the presence of respondents 4 to 6 is not necessary. No costs.

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10.06.2005

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To

1 The Regional Manager (HCR), A.P.S.R.T.C.,
Jubilee Bus Stand, Secunderabad.
2 The Depot Manager,

A.P. State Road Transport, Corporation Kushaiguda Depot,
Ranga Reddy District, Hyderabad.

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